

APPEAL NO. 022479
FILED NOVEMBER 7, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on September 4, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury in the form of a herniated disc in the cervical spine and an aggravated degenerative condition in the lumbar spine on _____; that the claimant has disability beginning on September 10, 2001, and continuing through the date of the hearing; that the appellant (carrier) is not relieved of liability under Section 409.001 since the claimant timely reported his injury to a supervisor; that the date of injury for this claim is _____; and that the claimant's compensable injury includes injury to the right shoulder. The carrier appealed on sufficiency of the evidence grounds and the claimant responded, urging affirmance.

DECISION

Affirmed.

The issues in this case all involved factual determinations for the hearing officer to make, based upon the evidence presented at the CCH. The evidence supports the hearing officer's factual determinations. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(SELF-INSURED)** and the name and address of its registered agent for service of process is

**PL
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Susan M. Kelley
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Thomas A. Knapp
Appeals Judge